**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929**

**WP(C).No. 29880 of 2006(F)**
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**PETITIONER:**
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**R.NAGENDRA RAO, TC 17/2123,**
**DR.PAI ROAD, POOJAPPURA, THIRUVANANTHAPURAM.**

**BY ADV. SRI.DINESH R.SHENOY**
**SMT.K.M.SUBHISHA**

**RESPONDENTS:**
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1. **THE KERALA FINANCIAL CORPORATION,**
   **REP. BY ITS MANAGING DIRECTOR,**
   **VELLAYAMBALAM, THIRUVANANTHAPURAM.**

2. **THE CHIEF MANAGER, KERALA FINANCIAL**
   **CORPORATION, VELLAYAMBALAM, THIRUVANANTHAPURAM.**

**BY ADV. SRI.L.MOHANAN, SC, KFC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C)NO.29880/2006**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE OTS PROPOSAL DT. 15.1.04.**

**EXT.P1(a):- COPY OF THE RECEIPT DT. 15.1.04 ISSUED BY THE 1ST RESPONDENT.**

**EXT.P1(b):- COPY OF THE RECEIPT DT. 15.1.04 ISSUED BY THE 1ST RESPONDENT.**

**EXT.P2:- COPY OF THE ONE TIME SETTLEMENT PROPOSAL SUBMITTED BY THE PETITIONER ON 4.3.04.**

**EXT.P3:- COPY OF THE PROPOSAL FOR ONE TIME SETTLEMENT SUBMITTED BY THE PETITIONER ON 15.3.06.**

**EXT.P4:- COPY OF THE INTERIM ORDER DT. .5.4.04 PASSED IN WP(C) NO.11139/04.**

**EXT.P5:- COPY OF THE RECEIPT NO 279 DT. 29.4.04 ISSUED BY THE RESPONDENT.**

**EXT.P6:- COPY OF THE JUDGMENT DT. 8.10.04 IN WPC. NO.11139/04.**

**EXT.P7:- COPY OF THE CASH RECEIPT DT. 24.12.04 ISSUED BY THE RESPONDENT.**

**EXT.P7(a):- COPY OF THE CASH RECEIPT DT. 19.12.05 ISSUED BY THE RESPONDENT.**

**EXT.P8:- COPY OF THE LETTER DT. 21.6.06 ISSUED BY THE 2ND RESPONDENT.**

**EXT.P9:- COPY OF THE LETTER DT. 19.7.06 ISSUED BY THE PETITIONER.**

**EXT.P10:- COPY OF THE LETTER DT. 30.8.06 ISSUED BY THE PETITIONER.**

**EXT.P11:- COPY OF THE LETTER DT. 19.9.06 ISSUED BY THE RESPONDENT.**

**EXT.P12:- COPY OF THE LETTER DT. 19.10.06 ISSUED BY THE RESPONDENT**

**W.P.(C) NO.29880/2006**

**RESPONDENTS EXHIBITS**

**EXT.R1(a):- COPY OF THE LETTER DT. 10.3.05.**

**EXT.R1(b):- COPY OF THE NOTICE DT. 17.5.05.**

**EXT.R1(c):- COPY OF THE LETTER DT. 31.5.05.**

**EXT.R1(d):- COPY OF THE LETTER DT. 31.10.05.**

**EXT.R1(e):- COPY OF THE LETTER DT. 14.11.05.**

**EXT.R1(f):- COPY OF THE NOTICE DT. .7.12.05.**

**EXT.R1(g):- COPY OF THE LETTER DT. 15.3.06.**

**EXT.R1(h):- COPY OF THE LETTER DT. 28.7.06.**

**/TRUE COPY/**

**P.A. TO JUDGE**

**tss**

**THOTTATHIL B.RADHAKRISHNAN, J.**

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W.P(C).No.29880 OF 2006

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Dated this the 14th day of August, 2007

**JUDGMENT**

Learned counsel for the Kerala Financial Corporation, following the earlier deliberations, submits today that the KFC will be willing to extend the benefit of One Time Settlement scheme to the petitioner if he pays an amount of Rs.45,000/- as in 2006, until which time the OTS facility was available, with a further liability to pay belated interest at 10.5 % from 20.9.2006 till 1.8.2007, which works out to Rs.5,890/-, provided the said total amount of Rs.50,890/- is deposited on or before the end of this month. If the petitioner is willing to abide by the aforesaid condition, he can avail the benefit as offered.

2. Having heard counsel for parties on either side, I find no ground to interfere with the recovery on the merits of the matter, particularly when the recovery is based on a contract and there are recoverables in terms of the statutory provisions. Hence, I find no merit in the writ petition.

In the result, the writ petition is dismissed subject to the observations in the first paragraph of this judgment.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,**
**Judge**

kkb.